

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Cao *et al.*

Confirmation No.: 5365

Application No.: 10/543,033

Art Unit: 1637

Filed: January 21, 2004

Examiner: Mummert, Stephanie Kane

For: METHODS FOR IDENTIFYING COMPOUNDS THAT  
MODULATE UNTRANSLATED REGION-  
DEPENDENT GENE EXPRESSION AND METHODS  
OF USING THE SAME

Attorney Docket No.: 10589-012-999

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.56 AND § 1.97**

E-File  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the United States Patent and Trademark Office (“USPTO”) of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby invite the Examiner’s attention to references **A49-A56**, **B11-B15**, and **C228-C359** listed on the attached form entitled “List of References Cited by Applicants.”

Copies of references B11-B15 and C228-C359 are submitted herewith. Copies of references C237-C322 were previously submitted as references C37-C123 in the Information Disclosure Statement filed on November 3, 2006, however, the Information Disclosure Statement failed to comply (in part) with the provisions of 37 CFR 1.97, 1.98 and MPEP §609 because the entries were not provided with a date. Reference C76, “NM\_002006” was duplicated as reference C77 in the originally filed Information Disclosure Statement, and is therefore not submitted herewith. Copies of references C237-C322 are resubmitted herewith with the correct dates.

Copies of references A49-A56 are not submitted herewith because they are U.S. patents or U.S. Patent Application Publications. Pursuant to 37 C.F.R. § 1.98 (a)(2)(i) as amended (*see* Fed. Reg. vol. 69, no. 182, Sept. 21, 2004), the requirement for providing a copy of each U.S. patent or U.S. patent application publication listed in an Information Disclosure Statement in a patent application, regardless of the filing date of the application, was eliminated.

Identification of the listed references is not meant to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c), Applicants believe that a fee of \$180.00 is due in connection with the filing of this Information Disclosure Statement. The Patent Office is hereby authorized to charge the necessary fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: July 17, 2009

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Enclosures

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